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ORTHOPAEDIC SURGERY MEDICAL GROUP, INC.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION) MDL No. 2419
) Master Dkt. 1:13-md-02419-RWZ
)
) THIS DOCUMENT RELATES TO:
)
) *Jeffries, et al. v. Ameridose, et al.*
Docket No. 1:14-cv-12789-RWZ)
)
)

**DEFENDANTS' RESPONSE TO THE PLAINTIFFS' STEERING COMMITTEE'S
FURTHER RESPONSE TO THE SHOW CAUSE ORDER RE REMAND**

Defendants, Fullerton Orthopaedic Surgery Medical Group, Inc., Eugen D. Williams, M.D., and Linda Lui Luong, P.A., hereby respond to the Plaintiffs' Steering Committee's Further Response to the Show Cause Order re Remand [Dkt. 3064]. There is one crucial piece of information regarding the status of *Jeffries, et al. v. Ameridose, et al.* [1:14-cv-12789-RWZ] which was not in the PSC's filing, and which these Defendants believe should be brought to the Court's attention.

Specifically, *Jeffries, et al. v. Ameridose, et al.* [1:14-cv-12789-RWZ] is in arbitration. On April 29, 2015, this Court ordered that the case be stayed pending binding arbitration [Dkt. 1807].

A complete copy of the parties' Stipulation on which the Court based its order, including eight pages of signatures and exhibits, can be found at Docket No. 1672.

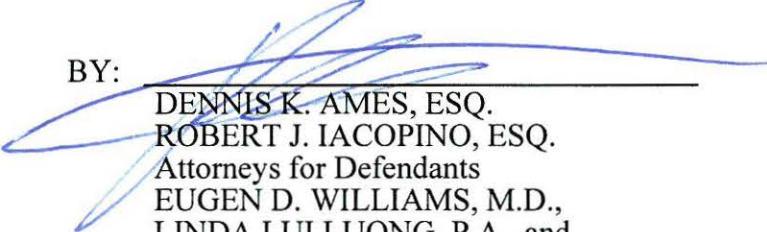
Because the *Jeffries* case is in arbitration, there is no benefit at all to keeping it in the MDL. The benefits cited by plaintiffs' counsel in *Jeffries*, and in the PSC's Further Response, are without merit here. Regardless of whether this case remains stayed on the docket in the MDL, or stayed on the docket in the Central District of California, it will be the Neutral Arbitrator who will hear and decide discovery motions, dispositive motions, and any pre-arbitration motions. These defendants previously discussed these issues in their Response [Dkt. 2945] to the *Jeffries* plaintiffs' objection to remand [2942].

Simply put, there is no reason for this case to remain in the MDL. Therefore, Defendants, Fullerton Orthopaedic Surgery Medical Group, Inc., Eugen D. Williams, M.D., and Linda Lui Luong, P.A., respectfully request that the Court issue a suggestion of remand for the matter of *Jeffries, et al. v. Ameridose, et al.* [1:14-cv-12789-RWZ].

Dated: August 23, 2016

LA FOLLETTE, JOHNSON, DEHAAS, FESLER & AMES

BY:


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CERTIFICATE OF SERVICE

I, the undersigned, am employed in the County of Orange, State of California. I am over the age of eighteen years and not a party to the within action. I am employed with the law offices of La Follette, Johnson, De Haas, Fesler & Ames, 2677 N. Main Street, Suite 901, Santa Ana, California 92705.

On the below date, I electronically served a true and correct copy of the document entitled **DEFENDANTS' RESPONSE TO THE PLAINTIFFS' STEERING COMMITTEE'S FURTHER RESPONSE TO THE SHOW CAUSE ORDER RE REMAND** on all parties in MDL No. 2419 via CM/ECF. I also served a true and correct copy of this document by United States mail on the following parties:

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I declare that I am employed in the office of an attorney admitted to practice before this Court, at whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 23, 2016, at Santa Ana, California.



VALERIE MORENO